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OFFICE OF PETITIONS

In re Application of
Jean Grandais :
Application No. 10/017,227 :
Filed: December 7, 2001 :
Attorney Docket No. FR9-2000-0075 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit substitute drawings in respond to a Notice to File Missing Parts mailed January 17, 2002. A Notice of Abandonment was mailed on December 17, 2003. On April 21, 2006, the present petition was filed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying of petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of substitute drawings; (2) the petition fee of \$1,500.00; and (3) an adequate statement of unintentional delay.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further review of the drawings provided on April 21, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions